1763.
8138 bb 49.

ENGLAND'S
Conſtitutional TEST
FOR THE YEAR 1763:

In which are diſcuſſed,

I. AUTHORSHIP. II. POPULARITY. III. LIBERTY of the PRESS. IV. The DIGNITY of LONDON JURIES.

Juſtum et tenacem propoſiti virum
Non vultus inſtantis tyranni
Mente quatit ſolidâ;
Nec fulminantis magna Jovis *manus;*
Si fractus illabatur orbis
Impavidum ferient ruinæ.

Imitated. HORAT.

The man that's juſt, and ſteady to his cauſe,
'Gainſt ſtretched prerogative for freedom's laws
Will zealous riſe; and if by power oppreſt;
In death triumphant prove his country's teſt.

LONDON:
Printed for J. MORGAN, Pater-noſter-Row.

[Price One Shilling.]

ADVERTISEMENT.

WE are glad to find all we have advanced, from unſtudied dictates of reaſon in regard to juries ſupported by the ſtrongeſt law —authorities in a pamphlet called, The Engliſhman's Right, &c. which was communicated to us, but long after ours was ſent to the preſs; ſo that any likeneſs which may appear in ſome paſſages is a new and evincing proof that *truth*,

Is one ſtrong, one pure, one univerſal light.

TO

JOHN WILKES, Eſq;

Member of the Houſe of Commons,

Late Priſoner in the Tower,

And late

Col. of the Buckinghamſhire Militia.

SIR,

TO Authorſhip you are a credit: Popularity you enjoy from the loweſt of the people, thro' all ranks of ſociety up to the moſt diſtinguiſhed and moſt eminent among the nobles. How far you have been a champion for The Liberty of the Preſs, the injuries which you have received in perſon and property, loudly declare thro' every county, and to the remoteſt corners of the land.——

When-

Whenever your caſe, or any ſimilar, ſhall be brought to trial before a London Jury, the hereditary aſſertors of liberty, and patriot reſcuers of any fellow ſubject labouring under miniſterial oppreſſion, then will they (perſeveringly juſt, and obſtinate in virtue) not only maintain that DIGNITY of Rectitude and ſcorn of influence tranſmitted to them by their glorious anceſtors; but by a new and ſeaſonable exertion will give to it an additional energy.

Joining thus in the general chorus with all thoſe worthy of being called Engliſh ſubjects, we in this publick manner pay you our ſmall, but ſincere, and congratulatory compliments, being with eſteem,

SIR,

Your, &c.

The AUTHORS.

England's Conſtitutional Teſt

For the Year 1763, &c.

SECT. I.

On AUTHORS.

MEN figure in life according to their poſſeſſions or qualifications, either hereditary or acquired; and all thoſe who juſtly appreciate things, hold the latter in the higher rank of eſteem, becauſe the moſt inſignificant, the moſt untalented perſons, even to a bordering on ideotiſm, can inherit. But to have the acquired; whether material property, or mental endowments, muſt be the conſequence of an application proportioned to the object attained, and the means of the purſuer.

It is unneceſſary to prove at this time of day, that a ſuperiority in mental acquiſitions not only claims, but has ever been allowed a title of pre-eminence above all other worldly attainments; becauſe ſo great is the power (in the poſſeſſion of a prudent man) which can be thence derived, that Cicero with reaſon ſaid, two or three men of Genius combined might make any ſtate or government move to what tune they ſhould pleaſe.

But pray reader obſerve, that by men of Genius, Cicero meant perſons bleſſed with an undoubted ſuperiority of talents, improved by every kind of cultivation. This caveat is not improperly entered here, leſt the unwary might object to us the cried down, exploded, and long buried in oblivion, Writer-men of the Briton, Auditor, and others, who continued in a monſtrous manner to diſgrace, run down, and defeat the very cauſe they had undertaken to defend. But, lack-a-day! ſuch wights exiſt and move far wide from the remoteſt verge of Cicero's meaning; for at the ſame time that they reflected diſhonour on their patron's meaſures, they by their own foul example, as well as by vilifying and abuſing others, have, as far as in their ſmall power lay, effectuated the bringing

bringing the name of author into contempt; a once reſpectable denomination in this kingdom, until of late years ſullied and degraded by ſuch dirt-throwing interlopers, and their kindred ſcoyles of the pen.

It was truly ridiculous to obſerve in their weekly ravings from the preſs, what affected airs *the things* gave themſelves, eſpecially by their ſo often reproaching their antagoniſts with want of property and narrow circumſtances. Who can but laugh that knows the mortals? and known they are. It would be a very puzzling queſtion for them to anſwer, if aſked, where they could make their own property appear. Their creditors would be very glad of ſuch an information.

As it is a juſt remark, that the more contemptible folks are, the readier they are to abuſe; ſo thoſe retailers of ſcurrility are chronicled to have been perſons of ſingular, or exploded characters, or long mortgaged hacks to bookſellers; yet how alert to call any other writers that were not of their herd, and venal faction, hackney ſcribblers.

Theſe day-labourers of the pen in behalf of a *Scoto-jacobite* miniſtry, were a little unlucky in making a want of property their frequent object of reproach, be-

becauſe there was a time when their idol-patron, whoſe aſpiring head they would fain, if able, have encircled with a wreath of all human virtues, and every accompliſhment poſſible, was as unpropertied in England, as they are now. Why then fooliſhly ſin againſt the old maxim, "Let they whoſe houſes are made of glaſs, not be the firſt to throw ſtones." Such among them as are unmarried, ought to have conſidered, that by a lucky matrimonial hit, they may be ſuddenly muſhroomed into men of property, as hath been the caſe of their fortunate Mæcenas.

By ſuch reiterated abuſe (which always ariſeth from a deficiency of argument) and nothing at all to the purpoſe, the Caledonian party, compilers of low and baſe invectives, made themſelves to be thoroughly deſpiſed: for according to their wretched and abortive efforts to reaſon, the greateſt ſcoundrels, or moſt profligate gamblers in ſociety, ſuch as the ſtigmatized Chartres, &c. on account of their wealth, however ill acquired thro' all infamous means, ſhould, notwithſtanding, pronounce opinions to be deemed of more weight, relative to the public intereſt, than a man of acknowledged ſuperior abilities and extenſive education; becauſe, forſooth, he has not his purſe

ſtretched

ſtretched with guineas almoſt to burſting; a decent competency for a man of letters is ſufficient.

Pauper enim non eſt cui rerum ſuppetit uſus.

By way of reply, now learn, abuſive writers (the word ſcribblers is left to you to throw about on all diſſenting from you, or at each as you pleaſe) zealous votaries of Plutus, that there is no eſſential difference betwixt one man and another, but the endowments of the mind, which ſtill riſe in value as they are more improved.

All other poſſeſſions may, by various ſtrokes of fortune, be loſt or alienated, with all the (thence impoveriſhed) owner's worth, from night to morning. But the cultivated gifts of the mind are unalienable, untransferrable, they accompany, they travel with us. They add a new value to riches, they can irradiate a dungeon's gloom; and ſmooth the rough brow of care.

The man of poliſhed talents may be raiſed in a moment from indigence to the pinacle of fortune, to which he communicates a new glory, and renders it effulgent to all eyes, with a luſtre unknown before. On the contrary, no power on earth can give to the meer man of wealth,

to

to any Midas, however vaſt his material treaſure, the varied excellencies, the noble, the god-like property of which the former ſtands poſſeſſed.

What province, what kingdom ever boaſted of having produced a meer rich man? (which ſheweth how unintrinſic are riches;) but to enumerate their men of genius, hath ever been a contended object of rival pride among the nations. What think you now, Scotch writers? Be adviſed, and henceforward learn to treat all thoſe (even the moſt unſucceſsful) who attempt to write——(*to write!* the moſt arduous of all human undertakings) with a proper reſpect: and then be ſure of the natural conſequence, which is, that the public will eſteem the name of author, even in you, altho' it is ſuch as you who have brought it into ſo declining a ſtate.

The moſt elevated perſonages in the military world do not abuſe, but ſalute the meaneſt of the ſoldiery; a laudable example to behave decently to all men.

Thus far as to the ill-bred conduct of the writers for the great man. If a review were to be taken of their abilities, as (with every ſinew they were able to ſtrain) they are diſplayed in the weekly numbers of the North Briton and Auditor,

tor, wherever ſuch fallen papers can now be found, they will appear to be of the moſt weakly kind. For excepting their above cenſured practice of abuſe, there was little more to be read in behalf of their employer, than a nauſeating repetition of, a conſtant harping on, "*is not Scotland* and *England one and the ſame?*" *

Another article of equal weight, which the Northern faction was wont to advance with an air of triumph, was, "Is not *England* greatly beholden to the *Scotch* for inliſting in her ſervice, and for fighting her battles?" The *Iriſh* do as much at leaſt; and by their country Englan dgets conſiderably every year; two millions and ſome hundred thouſand pounds (not *Scotch*, but) ſterling. It would be very agreeable to the people of England to ſee aſcertained what annual emoluments (excepting always the favourite article of *Oeconomy*) is derived to them from North Britain.

Not-

* See this topic diſcuſſed in *The New Highland Adventurer in England*, p. 33. &c. See alſo note p. 41. which ſhews the national impropriety of certain nobles being either miniſters, or holding any high office of ſtate in England.

Notwithſtanding the frequent and ridiculous boaſting of the writers from that quarter to blazon the wonderful exploits of their countrymen; the atchievements of Lord L———, General Ab——, and Admiral Hol——, as well as thoſe committed by ſome Captains of the Navy, at the Havannah and elſewhere, do not lay England under the moſt violent obligations.

It is alſo a ridiculous attempt to inſinuate, that it is through a fond preference for England, that the Scotch are ſo numerous in her ſea and land forces; becauſe for time immemorial before the two kingdoms were governed by one ſovereign, the Scotch were the ever ready militating tools of French politics, and frequently to goad, and make inroads into this country, for which they now make a parade of their being actuated with the warmeſt affections, preferring it, as they ſolemnly declare (and which every body believes) to their own native clime, the dear *auncient kingdom!*

There is a conſiderable military corps of Scots, to the amount of ſeveral regiments, in the Dutch ſervice, not driven thither by any error of principle, to which indeed they as ſeldom as poſſible ſacrifice their intereſt.—It is to be hoped that hence-

hence-forward they will drop the fooliſh banter, that their taking on in the Engliſh ſervice is through a predilection for the people,

——— *credat Judæus Apella,*
Non ego.

But to put this matter in a proper light —what could a poor nobility and gentry, &c. do better for themſelves, than to enter into the land or naval ſervice of this opulent realm? Is not having purſes full of money; eating, drinking, ſleeping, &c. in plenty, magnificence, and a cleanlineſs, until then, but read of before? Is not wearing rich uniforms, &c. far preferable to their formerly habitual caſhleſs pokes, and their exploded old-pict-variegated garbs, as well as to their traverſing barren heaths and mountains, the ſhrivelled appendages of humanity ventilated by a pendulous and fluctuating drapery; or to their ſitting on the bare ground in bonnetted circles, telling old tales, grinding ſnuff, and hearkening to favourite lilts on their hereditary bag-pipes?

Should this picture, though not an exaggerated one in the point of truth, be thought by our neighbours of the north to lean too hard upon them; let them call to mind the groſs and acrimonious a-

buſe (in compariſon whereof this our delineating is quite polite, is gentle mildneſs) which from, their country writers *broke* out againſt the ever to be reſpected city of London, and her chief magiſtrate; a gentleman who by his ſteady and patriotic conduct in a moſt critical ſituation of affairs, will tranſmit to poſterity the year of his ſpirited mayoralty as one of the moſt laudable and moſt diſtinguiſhed to be found in the archives of this metropolis

SECT. II.

POPULARITY.

ON the ſhameful contrary, the foul, partial, ſtigmatized adminiſtration of an univerſally abhorred miſinformer, will be, thro' all Engliſh poſtery deteſted; miſinformer that caitif deſerves to be ſtiled, who with a moſt abandoned effrontery, made an open aowal of his diſregard for, and contempt of popularity in a ſupreme aſſembly.——But obſerve, readers, this wicked, and treaſonable declaration againſt the majeſty of the people of England was ſubſequent to all his abortive and defeated efforts towards attaining popularity.

It

It is to be hoped that a frigid ape of Machiaveliſm, big with ſuch flagitious and deſperate notions, will never be ſuffered to approach the royal ear, leſt he ſhould pour into it the contagion of ſuch infernal doctrine; diſclaimed even by the miniſters of (and people living under) arbitrary princes. Now, of the numberleſs inſtances which might be quoted on this occaſion, let the two following ſuffice; the one from Rouſſeau, the other from Racine.

Les rois veulent etre abſolus, et de loin on leur crie, que le meilleur moien de l'etre, eſt de ſe faire aimer de leurs peuples. Cette maxime eſt tres belle, et tres vraie, mais malheureuſement on s'en moquera toujours dans les cours. Rous.

—The ſenſe of the foregoing paragraph—

" Kings are ever deſirous of ſtretching their prerogative and being abſolute. They are told from afar, that the ſureſt means of becoming ſo, is to make themſelves beloved by their people. This is a beautiful and true maxim, but unluckily both for the people and prince, will ever be turned into ridicule at court.'

The other quotation is from the penſioned French tragic poet in his excellent performance of Britannicus, wherein he exhibited an admirable picture of popula-

rity to Lewis the fourteenth; and which indeed may ſerve as a golden precept to reigning princes through all ſucceeding ages.

Thus the incorruptible Burrhus, not Butus, remonſtrates to the young Roman emperor Nero (of whoſe mind he had in part the forming as to maxims of government) on a firſt appearance of his ſwerving from that unexampled goodneſs of heart, and that blow of many virtues which had been by him diſplayed on his acceſſion to the imperial throne.

BURRHUS.

NERON *dans tous les cœurs eſt il las de regner ?*

NERON.

Quoi toujours enchainé de ma gloire paſſée
J'aurai devant les yeux je ne ſcais quel amour,
Que le hazard nous donne et nous ote en un jour ?
Soumis a tous leurs vœux a mes deſirs contraires,
Suis je leur empereur, ſeulement pour leur plaire ?

BURRHUS.

Et ne ſuffit il pas ſeigneur a vos ſouhaits
Que le bonheur public ſoit un de vos bienfaits ?

C'eſt

C'eſt a vous a çhoiſir, vous etes encore le maitre,
Vertueux juſqu'ici vous pouvez toujours l'etre.
Le chemin eſt tracé, rien ne vous retient plus;
Vous n'avez qu'a marcher de vertus en vertus.
Mais ſi de vos flatteurs vous ſuivez la maxime;
Il vous faudra ſeigneur courir de crime en crime;
— — — — — —
Et pour vos enemis conter leur vos ſujets.
Ah de vos premiers ans l'heureuſe experience
Vous fait elle ſeigneur hair votre innocence?
— — — — — —
Quel plaiſir de penſer, et de dire en vous meme?
Par tout en ce moment on me benit on m'aime!
— — — — — —
On ne voit plus le peuple a mon nom s'allarmer
Le ciel dans leurs pleurs ne m'entend point nommer.
Leur ſombre inimitié ne fuit point mon viſage,
Je vois voler out les cœurs a mon paſſage.
Tels etoient vos plaiſirs—quel changemen to dieux.
—The preceding quotation paraphraſed—
BURRHUS.
Is Cæſar then grown tired of reigning in all hearts?
Muſt

NERO.

Muſt I be ſtill a ſlave to glory paſſed; and have ever as a check before my eyes that phantom called the people's love, the child of fickle chance, which ſhe beſtows one day, but takes back the next? Muſt my deſires in complaiſance to what they wiſh (and fancy for the public weal) be ſtill controuled? Have I been crowned emperor merely to pleaſe the people?

BURRHUS.

And what more pleaſing object can you wiſh
Than that the people's bliſs ſhould flow from you:
The greateſt gift an emp'ror can beſtow?
And what next raiſes to th' immortal gods!
Unblam'd thus far; you ſtill may virtuous prove:
The path is mark'd—no obſtacle appears;
And rival virtues wooe you to proceed.
But if to the vile flatterer you liſten,
Your dawn of glory is for ever loſt—
Dreadful eclipſe! then crime to crime ſucceeding
Muſt make your reign a blot for hiſtory;
When in each ſubject Cæſar met a foe.
Ah prince, dear object of my tender cares,
Recall the happy hours of your acceſſion
To Rome's great empire, and the pure extaſie
Your

Your benign ſoul was wont to feel, indulging
Theſe god-like thoughts—I muſt remind you, Sir,—
" Where'er I move my people's love attends me;
" With grateful tongues they praiſe me to each other:
" And pour out bleſſings in the name of Nero mentioned:
" No face indignant ſhrinks as I appear,
" Nor am I cauſe of any plaint to heav'n,
" My people's father, friend; each breaſt my throne.
" In kind return for upright, clement ſway,
" Smiles every face, and glows each loyal heart."
Such were your triumphs then, but now, alas! how changed!

The divine energy of the ſentiments in this ſpeech ſeduced us, from the firſt intent of a dead-letter tranſlation, and raiſed us from the groveling of proſe to the poetic march of verſification.

If ſuch are the conceived ideas of popularity in the fettered minds of men living in an arbitrary government, how much more exalted ought they to be in thoſe of free-born Engliſhmen? and how juſtly the object of their general execration ought that miſcreant to be, who would treat ſo ſacred a name with a profane contempt, amounting to a moral blaſphemy.

SECT. III.

The LIBERTY of the Preſs.

WE now proceed to our third article, ſo much talked of, ſo undefined, ſo vague, ſo uncircumſcribed; that according to any doctrine hitherto advanced either from writers, or courts of law, nothing determinate can be aſſerted. At ſome periods it makes boundleſs ſtrides, at other times it is reduced to very narrow limits, ſcarce daring to make a few ſteps, or to ſhew its intimidated head abroad; ſo like men's fortunes it is greatly dependent on the times and circumſtances.

When mankind emerged from the wild ſtate of nature, that is, of mutual hoſtility, and willingly ſubmitted themſelves to the conditions of ſocial compact, a regard to an equality among men was at firſt, and for a long time preſerved; untill the reſtleſs dæmon of ambition, the mother of tyrants and deſpotic ſway actuated the breaſts of certain individuals, commiſſioned, by the divinity as a ſcourge to puniſh ſinful nations. They conceived notions of erecting a ſupremacy of power; with which invaded and uſurped authority over their late equals, they themſelves, by the

the co-operation of their minions, ſhould be uncontroulably inveſted.

Such daring attempts ever met with oppoſition, by force; which when reduced, the only means leſt of ſuing for redreſs was by haranguing in remonſtrances, as patriots —that of publiſhing tracts to vindicate the rights of an oppreſſed, or any ways injured people, was but of a very confined nature, till ſince the moſt invaluable diſcovery of the art of printing.

Before that Æra manuſcript copies of any work were but ſo few and ſo expenſive (in compariſon of thoſe poured forth by the preſs) that all information therein contained was confined to the few; while the many were kept drudging on in ignorance and ſlavery.

The patriot orator, however energetic his accents, however powerful his action, can be heard but by a ſmall circle at a time; whereas the patriot-writer's eſſay is ſoon diſtributed to every corner of the kingdom, there to operate its ſalutary effects.

Thoroughly ſenſible of what extenſive conſequence a free preſs may be, the favourite miniſters of all arbitrarily inlined ſovereigns have ever confined it under the greateſt reſtrictions;

while the reverſe was followed in all countries worthy of being the parents of that privileged race of mortals called free born ſubjects.

The Stuarts from the firſt to the laſt ruling male of that family, had in their boſoms determined the downfall of the liberty of the preſs, which had been very near effected, and would have been entirely compleated, had that aſſertor of tyranny, James the ſecond continued to reign much longer, and not been obliged to fly from a country, he by ſo many acts of violation had rendered himſelf unqualified to govern, and to abdicate a throne he was unworthy to fill.

To patroit pens, in the ſhort (becauſe perogative-ſtretching) reign of king James the ſecond, we ſtand chiefly indebted for the glorious revolution. To all the then writing champions for freedom, let thanks be given by lateſt poſterity; and a Free Preſs be ever held as the ſacred Tripos, the conſtitutional baſis on which the liberty of theſe realms is eſtabliſhed firm, as a pillar is founded on a rock.

To the liberty of the preſs we owe king William. To the liberty of the preſs we owe ſtill more, the Hanoverian ſucceſſion.——Tories, jacobites, and all con-

concealed friends to the abjured Stuart line, may with reaſon rail at and zealouſly conſpire the total cruſhing of the preſs's liberty. But Engliſhmen and whigs inviolable friends of liberty, and unalienably attached to the houſe of Brunſwick, will never be influenced, or made to deſert her cauſe; until the oppreſſion, tyranny, and an uſurped arbitrary power of miniſters ſhall have trampled upon every neck. — Then farewel *liberty* and *whiggiſm*.

That we may be clearly underſtood about theſe two cardinal virtues in politicks, Liberty and Whiggiſm, we ſhall candidly unfold ourſelves—

In regard of the former—To the following ſenſe of a very ingenious and ſtaunch wig, ſir Richard Steele—(" By liberty I deſire to be underſtood to mean, the happineſs of men's living under laws of their own making, by their perſonal conſent, or that of their own repreſentatives.") — We think it not improper to add ours, which will be more palpable to the underſtanding of the crowd, and comes cloſe home to the boſoms of all men, to wit,——" By liberty we underſtand the right a man has either to employ or diſpoſe of his time, perſon

and property, in what manner he ſhall pleaſe, independent of the ſmile or frown of any individual of higher rank, &c. ſo that he ſhall not offend againſt the laws of his country, from whoſe protection he derives the indiſputable charter of doing as beforementioned" — ſo far the pooreſt cotter is equal to the higheſt lord——Glorious birth-right of Engliſhmen!

Our next proceſs is to make out our ſenſe of Whiggiſm, as we ſubſequently ſhall that of Toryiſm. But in this as in the preceding inſtance, ere we advance our own, we ſhall preſent the readers with the ſentiments thereon of the learned and ingenious Mr. David Hume, although a Scotchman, and what is ſtill more ſurprizing, unpenſioned by the great Man, a proof of his taſte in favourites.—

According to Mr. Hume, "A Whig is a lover of *liberty*, without renouncing monarchy, and a friend to the ſettlement in the proteſtant line."

"A Tory ſince the revolution is a lover of monarchy, without abandoning liberty, *and a partizan of the Stuart family.*"

"The ſucceſſion of the crown (in the Stuart family) was therefore the chief point

point with the Tories; the ſecurity of our liberty (in the Brunſwick line) with the Whiggs."

As the moſt unamenable Scots to Engliſh argumentation will not dare refuſe a national acquieſcence to the obvious and clear opinion of their undoubtedly beſt writer; ſo we readily underwrite this farther aſſertion of his. "Now by Court and Country are meant, men, who by intereſt or principle are attached either to Monarchy or Liberty."

With all due deference to ſo great, ſo reſpectable an author as Mr. Hume, we now ſhall humbly offer our notions of Whig and Tory, conſidering them firſt as to their origin; ſecondly, in a progreſſive view: and thirdly, whether the eſſence of theſe two denominations be connected with, or influenced by particular climates and religions—

By Whigg we underſtand, abſtractedly from any diſlike to a particular family, &c. the man who is ever ready, zealous and perſevering in defence of his country's freedom. By Tory we underſtand, the ſetting dog of deſpotiſm, no matter in what family, if favourable to him; (all attachment a mere pretence) to point for the captivating ſnare, or the fire of deſtruction,

all

all the true, national game that had been hatched under the foſtering wings, and nurtured by the heaven-miſſioned ſpirit of liberty. —

The firſt whigs in England were the popiſh barons, biſhops, &c. who, at the expence of ſo much blood for themſelves, fellow-ſubjects, and all their ſucceſſors in England, had by an obſtinate and virtuous oppoſition to all the encroaching attempts of miſguided monarchy againſt the people's rights extorted from popiſh K. John the Magna Charta. The Tories, to the full infamy of the word, have been all ſhameleſs, degenerate proteſtants, who, ſince the reformation, have implicitly devoted themſelves, and ever treacherouſly co-operated with the throne to enſlave the people.

That Whiggiſm is not confined to climate, the parliaments of France, and particularly that of Paris, perhaps the now firſt Whiggiſh body in the world, are a proof irrefragable. What noble remonſtrances have been made by them to their preſent king. They have told him to his face at Verſailles in the midſt of all his guards, that the meaſures he wanted to purſue were illegal, and oppreſſive of the ſubject, they refuſed their concurring, and publiſh'd

liſh'd manifeſtos of their patriot oppoſition! How often have they ſuffered baniſhment rather than bend to arbitrary mandates!

In a certain part of the world, if the meer accidental man of the firſt place were to propoſe in former reigns any meaſure, however abſurd, againſt the nation's intereſt, he would be ſure of a majority of votes in a ſenate as corrupt, as daſtardly, as was that of old Rome in her moſt abandoned ſituation. If ſuch men in thoſe elapſed periods of time had taken time to reflect a moment, what an infamous part, and how unworthy of a rational being they then acted; in what better light could they be looked upon than as a pack of ſenatorial ſtop-hounds, trained to run full cry, or to ſtiffen into ſilence, as the ſtate-huntſman wantonly cracked the miniſterial whip of corruption, and bribery.

In the days of popiſh whiggiſm, neither the military, nor the men of the law, nor placemen, nor the ſons of peers, the under-aged, &c. were permitted to ſit in the houſe, which was thereby preſerved in its purity, far from the contagion of undue influence. But ſince the admiſſion of all the above, and many more through the perjured expedient of a borrowed qua-

qualification in point of property, as hath heretofore been practiſed by wicked miniſters. Until his preſent Majeſty's glorious acceſſion to the throne, moſt of the members in the preceding parliaments, each warped by his ſpecial views of promotion and ſelf-intereſt, might be looked upon rather as the betrayers than the repreſentatives of their conſtituents.

What hope then, in former reigns, eſpecially the odious reigns of the Stuart family, could remain to a people thus miſrepreſented by perſonages, who from their ſeveral immediate dependencies, actual enjoyment of profitable places, views of future promotions for themſelves, their next akin, or other connections, let the ſubjects welfare be never a ſerious object of their attention; or if a thought thereof accidentally viſited their brain, it was in the tranſient incoherent manner of a dream, devoid of any conſequence.

From what quarter then was a people ſo ſituated to expect ſuccour, and thro' its efficacy to obtain a redreſs of their grievances? From one, and but one alone, agreeable to the conſtitution, that is, tremble wealthy ignorance, tremble upſtart

ſtart and unqualified ſcoundrels in power (from your intimacy with, there is no need to name you to yourſelves) the Liberty of the Preſs, in whoſe name her foremoſt champion Pope declared,

" Ye who fear not laws, fear me."

By a proper exertion of the liberty of the preſs the deſpotic reign of James the ſecond was ſuperſeded, and the glorious revolution obtained ;—By a proper exertion of the liberty of the preſs, at the end of queen Anne's reign, all dark machinations to impoſe upon the people of England an abjured pretender were defeated, and conſequently the lawful ſucceſſion in the Hanoverian line aſſerted and made to take place. Therefore to the liberty of the preſs we in a great part owe the bleſſings derived to us from the auſpicious reigns of the Brunſwick monarchs in whom by a gracious return of gratitude, ſhe hath hitherto found, and will ever meet in their royal poſterity, generous protectors, while ſhe ſhall declare nothing but bold truths, and keep clear of licentiouſneſs.

Ne quid falſi dicere audeat, ne quid veri non audeat.

But if ever any preſuming miniſter irritated at ſeeing his anti-conſtitutional meaſures, hurtful to the country, diſhonourable to his ſovereign, expoſed in print, ſhould through the menial tools of his power attempt to proſecute, confine, or hamper in any manner the author; then the hearts, hands and acclamations of the people will be all for the perſecuted patriot: and univerſal deteſtation be the lot of the culprit miniſter, haunted at the ſame time by a guilty conſcience, and his own coward diſpoſition. On every ſuch occaſion be theſe lines of the poet applied,

" A purer joy exil'd Marcellus feels,
" Than Cæſar with a ſenate at his heels."

SECT. IV.

The DIGNITY of LONDON JURIES.

THE right of being a Jury Man is one of the greateſt birth-rights of an Engliſh ſubject, and which privilege has been adhered to and kept up in no part of his Majeſty's dominions ſo undeviatingly chaſte, and ſo inviolately pure, as by that moſt reſpectable body the citizens of London, from age to age, from

reign

reign to reign, unwarped by any revolutions in church or ſtate.

How irritating, how provoking to all independent ears muſt have ſounded the inſolence of that brutal and unmannered abuſe thrown out againſt his ſuperiors in every article of human worth by a titled thing, a *ſtrange* lord! but many *ſtrange* lords there are. The great Lord of heaven, through his infinite mercy forgive them their incumbering ſociety, or clogging legiſlature with ſo very uſeleſs, and ſo very contemptible exiſtences! But to make any farther mention of ſuch, would be to give them a chance for ſome degree of fame; therefore ſcorn, obſcurity and oblivion be their triple lot, as well as their being for ever diſclaimed by, and anathematized from THE TEMPLE!

The juries of Weſtminſter, having to their great ſhame long been branded with the odious charge of ſervilely veering about, and pointing their judgments towards that point to which a blaſt of miniſterial direction would turn it; and the reaſon given, is, that, *on ſuch* occaſions, care is taken to have the jurors, for carrying any particular purpoſe, collected from among court-dependents, who make a conſiderable number of the inhabitants

of Weſtminſter, to wit, the ſervants and tradeſmen to every branch of the royal family; as well as to the miniſterial junto, and all their creatures in parliament: which biaſſing contagion ſpreads widely through all branches of ſocial connection. Therefore a ſenſe of too often experienced partiality from that quarter, hath induced writers in behalf of the people's liberty againſt the encroachments of a miniſter to have their eſſays, &c. publiſhed within the city, ſo called by merited excellence, in order that if ever proſecuted they ſhould be tried by London juries, who have hitherto ſupported the dignity of never ſuffering themſelves to be influenced by power to the detriment of the ſubject, or reſtraining the liberty of the preſs.

It is to be hoped that henceforward Weſtminſter, animated by a proper ſenſe of indignation at this local infamy, will glow with an emulous deſire of doing ſtrict and unproſtituted juſtice between the crown and ſubject, in the manner that her ſiſter London has ever acquitted herſelf.

Thoroughly perſuaded that the gentlemen conſtituens of London juries have a full knowledge of their duty in regard to all impleadings about property, &c.

which may come before them; we with all due deference offer a few hints, not with an intent of informing but of reminding them to be on their guard againſt ſome late attempted uſurpations of their right; introduced into a certain court of juſtice in the laſt reign by Rider, or *** and in ſo artful a manner as to deceive many well-meaning perſons, not preinſtructed, to diſcover and ſee through the fallacy; which has been more particularly employed againſt writers; but if ſuffered to be fixed upon them, will be attempted in all other litigations. The innovation we mean is a judge's aſſerting that juries are not to trouble themſelves about the degree of delinquency any act may imply; but as irrational automats to bring in a verdict according to the witneſſes and dictates of the judge; if ſuch fact has been committed; and if affirmed, then to leave to the ſupreme, final, and arbitary council of ſaid infallible judge's immaculate conſcience to look on the fact in what light he pleaſes; and conſequently, as his intereſt or paſſion ſhall prompt, to pronounce either a ſevere or a mild ſentence.

This may be French, Scotch, or Papal law, for any thing we know; but can aſſert that it is neither Engliſh, Proteſtant, nor Conſtitutional.

Jury-men like all other members of ſociety when called together for the enquiring about or determining on any particular purpoſe have a right to be told what it is; that they may duly conſider it in a proper light: whereby nothing is exaggerated, nor aught ſet down in malice. Jurors, having then firſt agreed upon the degree of malignancy, which the fact implies, are to give their ſenſe alſo as to the adequateneſs of puniſhment which is then to be pronounced by the judge, who in regard to them is but a meer reportor of facts. Becauſe when a judge is ſo far unmindful of his duty as to be regardleſs of the ſenſe of the jury, and to pronounce puniſhments either too rigorous or too indulgent for private reaſons, he becomes impleadable. It is known to all perſons converſant with our hiſtory, that in the reign of Alfred forty, and in the reigns of other ſovereigns ſeveral judges have for mal-practice been brought to condign puniſhment, and publickly executed.—

To apply the teſt of ridicule to ſuch a proceeding as the above, let us ſuppoſe a perſon, according to ſuch doctrine, accuſed, and convicted of high treaſon for kicking

kicking down a pail of red-cow's milk; ſo ſtrange a propoſition will no doubt ſet all our readers ſtaring on each other; but we pray their patience and attention for a few moments, and then their wonder will ceaſe.

Suppoſe a jury impannelled, evidences examined, and it plainly appears that A. B. (a ſubject for his ſuperior virtues obnoxious to the judge) had by accident as he was running along kicked down a pail of red cow's milk; then all the new-modelled manner of judging requires of the jurors is to pronounce as to the matter of fact, did he, or did he not kick down the pail of red-cow's milk? the judge reſerving to himſelf, excluſively of them, what degree of malignancy he may pleaſe to ſuper-add to the act, as well as what degree of puniſhment he ſhould inflict.

How would the tender conſciences of honeſt men be alarmed, that in conſequence of their implicit and unguarded verdict, A. B. ſhould be pronounced guilty of high treaſon, and ſentenced to ſuffer an ignominious death.

In vain would the jury then remonſtrate, in vain would they ſay to each other, that had they apprehended ſo dreadful a conſequence, they would not have joined

joined in the affirmative, without accompanying it at the ſame time with their ſenſe of, how far an act of that kind might prove prejudicial—but it would be then too late, they had given up, let ſlip from them, or rather been cozened out of their judicial right.

Phlegmetic readers may no doubt ſay, this kicking down *a pail of red cow's milk*, is a mere flam, an impoſſible inſtance, and only fit to make idle people laugh; for how from thence could A. B. be evinced guilty of high treaſon?——Why thus, and on many occaſions judges have given not much better reaſons.

L. E. member of the privy council, being in a very reduced habit of body, was ordered to live chiefly upon *red cow's milk*; that it was notorious, that A. B. a wicked whigg, bore an inveterate malice to this tory lord; that on a certain day, hearing L. E. was ready to expire, and that nothing could protract his life for a few hours, but ſome red cow's milk; A. B. (the vile whig) did willingly, knowingly, and maliciouſly run to the place where the red cow had been juſt milked, and kicked the pail down. L. E. by ſaid diſappointment expired a few hours ſooner than he otherwiſe would; there-

fore

fore A. B. was guilty of imagining, conſpiring, and effectuating the premature death of a privy counſellor, which is by the laws of England, gentlemen of the jury, treaſon, and for that he ſhall ſuffer.

Our advice to all impannelled on a jury is, to reply to a judge who would obſtruct their enquiring into the nature of an offence, and their ſettling alſo (if it ſhould appear to have been committed) the degree of puniſhment it ought to incur; "My lord, we beg to be excuſed, we muſt do our duty, and pray that you will—*tip us none of the red cow's milk.*"—But if he ſhould arrogantly dare to aſſert, "You have no right ſo to do;"—then boldly to his teeth, and in the face of your country, like true-born Engliſhmen, rejoin—"that he is in the wrong, and that your conſtitutional demand is warranted by Magna Charta, chap. 14.

"A freeman ſhall not be *amerced* for "a *ſmall* fault, but after *the manner* of "the fault: and for a *great* fault, but "after the *greatneſs* thereof—and none "of the ſaid amerciaments ſhall be *aſ-* "*ſeſſed* but by the *oath* of honeſt and "lawful men of the vicinage. *Earls* "and *Barons* ſhall not be amerced but

" by their peers, and after the *manner* " of their *offence.*" &c ——Extraordinary fines, impriſonments, mulcts, corporal puniſhment, are the crimes of judges, and for which many have heretofore ſuffered; and may hereafter.

Another glaring infringement on the ſubject, and a groſs affront to the underſtanding of jury-men, is in regard to libels, where judges uſurp an anti-conſtitutional right of extorting ſuch a ſenſe from the text as may beſt co-incide with their views. ——— Now we pray our reader's leave to advance the following doctrine to all who may be hereafter jury-men in ſuch caſes; to whom as well as to authors liable to be impleaded, we recommend a careful reading of the trials of Colonel Lilleburne, and Peter Zenger.

If the text of an author, in the natural and obvious explication thereof, hath a meaning which is harmleſs, then it cannot without a flagrant violation of juſtice be diſtorted to a criminal ſenſe. And if the ſame phraſe or phraſes ſhall appear applicable to various perſons, and according to ſuch different interpretations they may be underſtood in the author's favour, or prejudice; why ſhould his text be forced

forced to hurt him, when it may obviouſly be taken in ſuch a manner as to exculpate him? Let all jury-men remember this.

There is another equally unconſtitutional method of harraſſing Engliſh ſubjects, which is that of bringing informations, and charging them by the way of Inuendo with what guilt intereſted proſecutors may be inclined to inſinuate under that infernal ſtratagem, againſt which juries cannot be too much on their guard; and the legiſlature on their meeting cannot do a more popular act than to redreſs ſaid grievance; but until that happy period ſhall arrive, let all petty juries be *fixed as fate* * to find no perſon guilty that does not come properly before them according to law, that is, either by a bill of indictment or grand jury's preſentment.

Would it not be cruel, altho' quite in the ſpirit of Inuendo, to pronounce a ſubject to be guilty of a crime, either for the following political wiſh,—" In England may there never be wanted a conſtitutional broom to beat down, and

* This emphatic expreſſion is borrowed from the late printed advertiſement of N. Berkley, Eſq;

ſweep away any dirty *Web*, whoſe proprietor-inſect ſhall be ſeen to crawl about our courts offenſive to the eye of liberty!"—Or on account of the following paragraph for natural hiſtory to be ſent to the bearded matrons of Crane court for a ſatisfactory explanation——"An overgrown *Wood-louſe*, brought from the ruins and rubbiſh of Palmyra (its only merit) has been long exhibited in a certain illuſtrious aſſembly; but no noiſe was ever heard to come from it; no not ſo loud as that of a Cricket?"

A third ſubject for Inuendo-men juſt occurs, to wit.—"When cardinal Richlieu, was bent on ſtretching the royal prerogative, the mean agent he employed to get into the houſes of the gentry and nobility, to purloin their papers, and do every other infamous job; for which the vile tool was excluded from all polite company, was one Bois-Robert,* an inſolent upſtart, ſo well known and ſo generally hated at that time in France. See the hiſtory, memoirs, &c.

We ſhall conclude upon the kindred articles of miſinterpretation and inu-

* Bois-Robert is a compound of two French words, ſignifying Wood-Robert, which, readers, you may tranſpoſe, or do with as you pleaſe.

endo

endo with the words of an eminent barriſter on doctor Sacheverel's trial, who afterwards for his ſuperior abilities was promoted to the high honour of being lord chancellor of England.

" My lords, If there be a double ſenſe " in either of which theſe words are " equally capable of being underſtood; " if in one ſenſe the doctor's aſſertion be " undeniably clear, but in the other " ſenſe doubt might ariſe whether his " words be criminal or not, the law of " England is more merciful than to make " any man a criminal, by conſtruing his " words againſt the natural import of " them in the worſt ſenſe. This is the " great juſtice and clemency of our laws " in every man's caſe.—By the happy " conſtitution under which we live, " a ſubject of England is not to be made " criminal by a laboured conſtruction " of doubtful words: Or when that can- " not ſerve, by departing from his words, " and reſorting to his meaning. Too " many inſtances there were of this na- " ture before the late happy revolution; " but that put an end to ſuch arbitrary " proceedings."

It giveth us ſome pain to reflect, founded upon what has lately been pronounced by

by an Engliſh oracle of the law in the court of common pleas, that from the revolution which had freed us from the horrours of deſpotic government, there was left connived at thro' expediency (ſo many latent enemies to King William at that time caballing in theſe realms) and hath ſince been continued by a kind of unoppoſed preſcription, " the abſolute manner which ſecretaries of ſtate employ againſt the ſubject;" to wit, the arreſting his perſon, dragging and detaining him from his buſineſs and lawful occupations; their ordering meſſengers to force into his houſe at unſeaſonable hours, to open his drawers, carry off his papers, for (if they pleaſe) the amuſement of themſelves, wives, daughters, companions, or their ſecretaries clerks, whores, pimps, livery-men, &c.

We apprehend, that unleſs during the ſuſpenſion of the Habeas Corpus, a ſecretary of ſtate's power is not to proceed beyond having arreſted, by virtue of his warrant, perſons ſuppoſed guilty of ſome offence, &c. bailable proportionably, to appear in courts of law when called upon; but that both his houſe and papers are to be ſacred. Is it not expoſing a meſſenger to the danger of

of loſing his life by ſuch illegal attempts, as to open a man's bureau, and take out his papers, containing all the title deeds, as well as the ſecrets of his affections, and property ?

Can a people be pronounced Free under ſuch Inquiſitorial dominion ? No—and we will bring a ſtriking proof from the cuſtom of a popiſh and arbitrary country, to wit, France.

When any hint or information is there given againſt a man to the government, he is ordered to be forthwith taken up and confined in the ſame manner Mr. Wilkes was from Friday to Tueſday. There indeed is no Habeas Corpus for the liberty of the ſubject's perſon ; but his houſe and property are treated in a more reſpectful manner than Mr. Wilkes's was, becauſe by the king's order *Le Scellé* is put on all his cloſets, bureaus, drawers, &c. where papers may be contained giving a farther information of his crime and accomplices, if it ſhould be proved againſt him ; but if not, he is releaſed, *Le Scellé* * taken off, and he returns to his houſe, where he finds every article in its place unrifled, undiſturbed—Becauſe thus reaſons the legiſlature of France, till ſuch

* *Le Scellé* is a ſlip of parchment, laid athwart the opening of doors, drawers, &c. affixed at each end with the legal ſeal.

time as a man is proved guilty of a crime againſt his king and country, it were an act of violence and cruelty to force into his houſe, rummage and pry into his papers; which is a part of the puniſhment reſerved for the guilty; becauſe to an innocent man ſo mal-treated what reparation could be made by the government—and the papers of the perſon when proved guilty, are examined not by meſſengers, under-clerks, &c. but by moſt reſpectable perſonages.

Let us for mere ſuppoſitionſake, point out an alarming grievance that may thence ariſe—Suppoſe there were a ſecretary of ſtate not encumbered with the niceſt principles, who ſhould be involved in a Law-ſuit with one of the ſubjects, and that it were eſſential to the carrying on of this cauſe to get a ſight of ſome papers, title deeds, &c. in the cuſtody of his antagoniſt; he need only to contrive a penny-poſt letter to be ſent to him by ſome menial creature, accuſing his opponent of treaſonable correſpondence, or practice, of whatever nature he ſhould be pleaſed to fix on.

Then ſlap iſſues forth the ſecretary's warrant; the unoffending ſubject is arreſted, no friend is let to come near him for ſome days. In the mean time his houſe has been forced into, his papers

all

all carried away to the ſecretaries; that which was wanted peruſed by him and his counſellor; or Sunk if deemed expedient from its bearing too cogent proofs againſt him. When called upon after; he has only to give his honour in a lie, as has frequently been done before, that he has ſeen no ſuch paper. The innocent meſſenger not privileged to be ſo great a fibber as employer, whoſe dirty work he muſt do, or loſe his place, declares, and in truth, that he knows nothing of the paper in queſtion. Where is the ſo injured, the falſely confined, the wantonly robbed ſubject, to ſeek for ſatisfaction: eſpecially when the juſtices of the peace refuſe legal aſſiſtance; In that traitors to their country.——Here is a defect in our conſtitution, that cries aloud for amendment.——as do ſome other abuſes——for inſtance. When the whole edition of an author's work is ſeized by meſſengers and carried to their houſes, and there for ever kept or by them diſpoſed of. Ought not the ſtationer and printer be paid, the one for his property, the other for his time; and the law which warrants no ſuch plundering reſt ſatisfied in the author's puniſhment?

As his majeſtys troops cannot enter into or march thro' the city, without a leave from the lord mayor ſo (we apprehend) a ſtate ſecretary's warrant (of no more virtue than a common juſtices of peace) ought not to be executed againſt the perſon &c. of any

freeman in London, without a previous application to the lord mayor.—

We cannot but with concern ſee the excellent vice-roy, the hitherto patriot ſtateſman ſo unnaturally * coupled in a centaur adminiſtration; becauſe if a nobleman endowed with his reputed integrity of heart and underſtanding, had a greater ſhare in the management of affairs, than he is inſinuated to have, we ſhould, it is imagined, be under no neceſſity of inſerting this appoſite obſervation.

When the French king hath been made to believe, or to utter what is not true by a miniſter or favourite, a ſubject can without the danger of criminality inform him, *que ſa religion a ete ſurpriſe*, "that his religion was ſurprized," a ſoftening expreſſion for —he had been impoſed on—nay, the very pope allows this form of addreſs—*A Papâ male informato ad papam innelius informandum*—"from the pope miſinformed, to the pope to be better informed" —— The zeal of ſuch ſubjects is thanked and often recompenced, but the miſleader, the only criminal in ſuch a caſe, condignly puniſhed: if the abovementioned powers, pretend not to an exemption from a liableneſs to error, and being miſguided: the proteſtant ſovereign of a free people never will. Such infallibility-doctrine can only be ſuggeſted,

* Unnaturally is here uſed with more propriety than in Mr. Bamberg Gaſcoigne's Advertiſement.

by ſecond-ſighted, or rather double-viewed ſcots.

Nothing ſhews in a more triumphant light Mr. Wilkes's cauſe, than the late noiſe and buſtle we have ſeen in the papers, charging him with a deſertion from the cauſe of liberty, and of eſtabliſhing an oppreſſive right in parliament over the people, which the Butophili have multiply'd almoſt as far as their weak heads are able to follow figures. It is a pity they have not a little more underſtanding, and ſome ſmall ſhare of reaſoning, for they have prodigious zeal, the natural babe of ignorance.

The fault in this caſe is imputable to the proſecutors, if to any—Mr. Wilkes is arreſted, ſent to a place of confinement; is brought up to court to give bail for an imputed offence, the charge of which he denies; bids the heavy hand of power that had been ſo aggrievingly laid upon him, to impoſe what farther ſufferings it might; which on finding that its procedure had been wrong, lets him go.—What then ſo ridiculous as the raiſing an outcry againſt Mr. Wilkes upon this head?—Did he contrive the blundering of power? does the extent of parliamentary privilege derive from Mr. Wilkes? Was it not very conſiſtent for him to take the ſhorteſt and readieſt method of extricating himſelf, and defeating oppreſſion, which ought to have been better informed?

The writers of all theſe broken-winded eſſays, bickering letters and tilting paragraphs, the laſt efforts for expiring pay, came from the long routed authors of the Briton, Auditor, the Cocoa-tree-letter-man, &c. who, ſince their overthrow, have never been able to make head, or appear in the open field; but are now reduced to the miſerable ſhifts of a kind of literary buſh-fighting, as appears by their many ineffectual pops let off in the news papers; paticually ſince the enlargement of Mr. Wilkes, to the great joy of all good ſubjects.

They ſay Mr. Wilkes (ſuppoſing him to be the author of the North-Briton, N°. 45.) has diſreſpectfully treated royalty; the tenor of that paper to us betrays not the leaſt ſymptom of diſaffection to our ſovereign Lord; but, on the contrary, of glowing zeal; and a loyal ſubject's reſentment againſt miniſterial impoſition, where nothing but oracular truth ſhould ever be heard.

If what the author of that paper has advanced be ſuppoſitious, he is very blameable; but, on the other hand, ſhould it be true; and if a certain monarch, late our ally, has in a memorial ſent to the different courts of Europe, aſſerted the like, accompanied with terms, ſuch as breach of faith, violation of treaties, and other harſh expreſſions, which we chuſe not to repeat; who is then culpable? who puniſhable? Not Mr. Wilkes, but the miniſterial contriver here of falſe

heraldry. The Planner of the peace is retired, and ſaid to be gone to Yorkſhire, either identically, or in the proxy of a perſonal reſemblance ; he the while hitched up for occaſional and privat congreſs in a garret at Kew-Green. The Negotiator of the peace, by no means an antigallican, is returned to his dearly beloved Paris. The leader of the houſe to thankfully addreſs for the preliminaries, hath alſo expatriated himſelf in the vain hope of meliorating his body and mind. The diſappearing of theſe three ſtate Engines at this time makes the people to ſtare, think, doubt, and look up ! A good and far-diſtant journey to them ; long may it be ere they return, if ever.

As there are no beings of which ſtate leviathans live in ſo much fear as of writers (however inſignificant they may appear to the undiſcerning) ſo there is no practicable method of cruſhing them which they leave unaſſayed ; direct, when from the nature of the attack or offence they are warranted by law ; indirect, when not ſuch as by agents running about, and ſpreading various rumours to terrify people from publiſhing an advertiſed pamphlet or book, whoſe title alarms them, of this kind of expedient—*Scotchman be modeſt, or Albion's criſis, with a conſtitutional frontiſpiece, addreſſed to the whigs of England and Ireland*, was a ſtriking inſtance.*

* It may be had at the publiſher's hereof, or any of the bookſellers, or pamphlet ſhops, by ſending thither.

We ſhall finiſh this pamphlet with propoſing a ſcheme to counter-act miniſterial tyranny. — Let there be revived (as hath heretofore been eſtabliſhed in the city) an aſſociation for protecting the freedom of the preſs (the genuine nurſe of national liberty) with their perſons and purſes, becauſe the narrow circumſtances of a writer, printer or publiſher, are often a lure to arbitrary meaſures; for as it hath been the caſe with religious truths (ſo it frequently happens with political) the apoſtles thereof are not remarkable for wealth. A proper uſe of their improved gifts of the mind is what their country has a right to expect from them; and they in return a protection and ſupport from her generous and uncorrupted ſons.

But ſome may object, Why publiſh? carry a written copy of any grievance to the throne. How get any acceſs for many Reaſons? And eſpecially if the complaint be againſt thoſe who hem it in. It is thus let abroad in print by the author for the opinion or inſtruction of his fellow ſubjects to whoſe information he is bound by every ſocial tie (hence aroſe the liberty of the preſs) hoping at the ſame time, that by ſome of thoſe who can get acceſs it will be preſented to the royal eye, the principal object of his duty.

As to the uſual reproach, The fellow wrote for money, (what does the lawyer plead for, the ſoldier fight for? &c.) pay no attention, nor enquire what had been his motive, whe-

ther an uninfluenced principle or ſelf-intereſt, becauſe providence makes uſe of various means.

Your care, gentlemen, of ſuch a patriot aſſociation, is to ſee whether the doctrine promulged in ſuch an eſſay, pamphlet, &c. be ſeaſonable and of publick utility; then if its author be proſecuted, and ſhould want, to procure him bail, with ſuch pecuniary aſſiſtance as may be deemed requiſite for his ſupport and defence by enabling him to fee gentlemen of eminence in the law to plead his cauſe—but here alas appears an irritable ſore, a king's evil of a long ſtanding in our conſtitution, to wit, the general reluctancy at the bar to ſpeak for the ſubject againſt the crown. Let the names of ſuch recuſants be ſtuck up in every coffee-houſe in London, as deſerters of their country's cauſe, and the ſo proſcribed be never employed; but thoſe barriſters on all occaſions to be preferred to them, who Glynne-like ſhall with alacritry and zeal diſcharge the duty of an Engliſh ſubject. It is a mortifying reflection that the Engliſh bar ſhould be ſo ſlaviſhly truckling to power, and the French bar be ever ſuch virtuous oppoſers to deſpotic ſway—which is the free corps of the two?

Let your next determination be, when on a jury to hear ſuch cauſes tried, or indeed any other, that you receive no dictating from a judge, but conſider, and appreciate within your ſelves, the nature, the

degree of the offence, as well as of the punishment to be proportioned to it, even were it on the dull Briton, the flippant Auditor, or the atrocious Cocoa-tree-letter-man; which last writer, if Impartiality had directed Prosecution, for his gross, scottish and jacobite slander of his Royal Highness the Duke of Cumberland, deserves what we shall not name; yet this falsehood-monger has been advantageously promoted by the secreted Prime; and the two former near equally abusive of the same illustrious personage, the revolution-nobility, and the city of London, received regular pay. Yet these very caitiffs are now among the foremost to call aloud for punishment on the author of the North-Briton, at whose fame, success, and popularity, nay at whose very name they pine, are sick at heart; and madden at the thought of their deficiency even in abuse and scurrility, which reduced them to so sudden and to shameful exits.

Scared by such a patriotic exertion ministers would no more attempt to play their terrour-spreading pranks, no final prosecution intended: so national a spirit must rapidly diffuse itself through the kingdom, and the impanneled in every county virtuously emulate,

The Dignity of London Juries.

F I N I S.

BRITISH MUSEUM 6 AU 85